

A Remonstrance

reference to the Act, to prevent and suppress Seditious Conventicles,

Super verba,

Being a Subject of this Realm.

Which sheweth,
That by the said Act it seems, as if the
Magistrates did, as it were, unadvisedly
and incompetently proceed against
the Subjects of Forreign Princes,
as namely, the Germans, Dutch,
Frenchmen, and the like, con-
trary to the said Act.

And so charge the Government of
England with a Prejudice, not
to be slighted. Conf. Act. 22. 25.

By Albertus Otto Faber.

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A REMONSTRANCE in reference to the *Act*, to prevent
and suppress Seditious Conventicles, *super verba*,
Being a Subject of this Realm, &c.

1. **T**he Title (*al. Rubrica or Rubrum*) is this; *An Act to prevent and suppress Seditious Conventicles.*
2. The Text (*al. Nigrum*) following declares in substance, that "For providing of speedy Remedies against the growing and dangerous practices of seditious Sectaries, and other disloyal persons, who under pretence of Tender Consciences, do at their Meetings contrive Insurrections: it is enacted, That if any person, *Being a Subject of this Realm* shall be present at any Assembly, Conventicle or Meeting, above four persons, under colour or pretence of any exercise of Religion, then the Magistrate shall commit every such Offender to the Goal or House of Correction, there to remain without Bail or Mainprise, for any time, not exceeding the space of three months, unless such Offender shall pay down such sum of money, not exceeding five pounds for the first Offence. And for the second Offence, he shall incur the said penalty of Imprisonment, not exceeding six months, or pay down such sum of money, not exceeding ten pounds. And for the third Offence the Magistrate shall commit him as aforesaid, until the next Sessions, which shall happen first, where he shall be proceeded against by Indictment, in order to lawful Conviction and Transportation: and in case of escaping or returning unto this Realm of England, Dominion of Wales, *(and Town of Berwick)*, the party so escaping or returning, shall be adjudged a Felon, and shall suffer Death as in case of Felony, without benefit of Clergy.
3. Three things are generally to be proved here, any any one can be convicted by the said Act; 1. *That any one hath been at a Conventicle, such as is defined in this Act.* 2. *That he be a Subject.* 3. *Of this Realm.*
4. As concerning the definition of a Conventicle, such as is de-

find in the said Act, mark first, what sayes its Title or Rubrick, viz. *To suppress Seditious Convencicles.* So all publick and open Meetings or Assemblies; as for instance, those of *Stags-players* and *Bear-baitings*, &c. are excluded here, because all what in the Act following shall be spoken, must strictly (especially being a penal Law) be understood only of Conventicles, according to the principle of Laws, viz. *Interpretatio Nigri fuit ex Rubro, qua in penalibus strictior & benignior est*, that is, When some one, looking upon the sign of a house where is written, *Here is Coffee to be had*, he knows that *Sack* or *Rhenish wine* is excluded, as not to be sold there. So accordingly is this the definition: *A Conventicle is an unlawful Assembly, or Meeting of seditious Sectaries and other disloyal persons, being Subjects of this Realm, who do contrive Insurrections, under pretence of tender Consciences, and exercise of Religion.*

5. As concerning that [*being a Subject*] it's true, when the words of the Act were written down in the general, thus; *If any person shall be present as any Conventicle, &c.* it would include all generally, as well Forreigners or Inhabitants in this Realm, as the Subjects of the same. But being, of set purpose, limited and restrained upon the Subjects of this Realm, all Forreigners are thereby evidently excluded.

6. Nay, by so much the more, that the Act stands not only restrictively upon the Subjects, but adds, [*of this Realm*] And so excludes all *Irishmen* and *Scottishmen* too.

7. Therefore all this ought to be proved first, ere any proceeding against any person, upon that account may be legal and justified in the sight of the world: Provided alwayes, that a *particulari ad Universale non valet consequentia*. And therefore *Verba generalia secundum Naturam subiecta rationis restringenda sunt.* Neque enim quæ in ordinem paucorum introducta sunt, ad omnes extendi ratio & jura permittunt, præsertim in statutis, quarum verba semper strictè sunt accipienda & secundum communem loquendi usum.

8. Wherefore it is quite contrary to the Principles, especially those of penal Laws, to extend the word *Subject* beyond its natural sense, because *Judicium penale non excedit casum, sed ut in statutis, interpretatio magis in penalibus & odiosis verba Legis in benigniorem partem accipi debent*, that is, the penal Judgment exceedeth not the case, but the words of the Law are to be understood according to their strict

(viz. most common and natural) signification, to save mens lives.

9. And it might be inquired for, in all the Laws of England, if any where the word *Subject* is ever said or spoken of any other, than such as are *Englishmen* or *Naturalized*. If so; to what purpose serves the *Naturalization*? If not, why must it now in this odious matter be forced beyond its strength, as to include generally all that are in the Kings protection? That would seem to the *Aliens*, as if they under the suffering of this Act should purchase the *Naturalization*; Or justly might be required, What then those words, being a *Subject of this Realm*, did imply, for as much as all that are in England, are in the Kings protection? But I verily believe, that in case a *German* upon such an account, as being a *Subject of this Realm*, would buy some Land, and make use of the Priviledges of *Englishmen*, the Judges would soon find him not capable.

10. Therefore the case is plain, if men would but prevail with their Reason, lest under pretence of Executing the Law, they are found guilty of Oppression, and fall into the Condemnation of the Most-High.

11. For if the Judges (and Jury-men) sit on the Bench to save mens Lives, when the Law in any respect is not broken, might it not, in case they endeavour all what they can to take away mens lives contrary to the Law, justly be answered; as it is written: *Sitist ibi to judge me after the Law, and commandest me to be smitten contrary to the Law*? Such like Judges methinks might well be suspected, and consequently by the Authority of the Law, recused.

12. And furthermore, The reason of these restrictive words, [*being a Subject, &c.*] will make it up: for, 1. because the issue of the Act is, *Servitude and Transportation to the Kings Plantations beyond the Sea*; which penalty, as being unfit to be executed against a Forreigner, caused this Restriction of the said Act, referring it self upon the Subjects alone; and therefore to make it evident, these words [*being a Subject of this Realm*] have been inserted of set purpose.

13. Whereby Evidence is given, that the King's intention by the said Act is only carried on to a Reformation of his own Subjects first of all, before those of other Nations, not willing (in the first place) to countenance the Forreigners sooner, than he may have brought to a Conformity his Own.

14. Which being performed, the Forreigners (it might be supposed)

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sed) would not be looked upon as men of Reason; in case *All* Subjects of this Realm were brought to an unanimous Uniformity, they would rest without it, and yet be Inhabitants of this Realm.

15. And therefore I bid all men consider, if the inferiour Magistrates do not according to what is here declared, deal prejudicially to the King and Government of *England*, when they imprison men, in order to Servitude and Transportation, and cannot afterwards, when it comes to Tryal, sentence or execute them, according to Law and Reason of the same? And do they not wrong foreign Kings and Princes? and become guilty of false Imprisonment?

16. So this may give Evidence enough, that Foreigners by the *Act to suppress, &c.* are proceeded against unjustly and contrary to the said Act. It is therefore in vain, to say, they must execute the Law, when they do more than any Law requires to be done, making only, of what they say is a Law, a Cover of their Intentions, in complying with, or repairing unto that, which binds them not, by which the Inexcusableness of men shall be evident at that time, when the Lord shall judge them, however they seem now to be, as the Prophet *Ezechai* saith, 2 *Esd*, 12. 72.

Paranesis ad quorum Interest.

17. But be it known herewith to all concerned in this matter, that if the Principle the *Quakers* are possessors of, be from God, then no power of men can overthrow them, let them stir and bustle and clamour and rage and banish and persecute whatever they can.

18. And if the Principle the *Quakers* are possessors of, be not from God, let them worship and pretend and colour and meet, and suffer Persecution, Imprisonment, Banishment, yea, Death it self, all will not keep them standing, but they must fall, without all such bustling or any man's power. So,

19. This is the old Principle of *Gamblish* true, and never found false, or there could be no Christians.

20. And will stand, when there are no Persecuters any more, or there would remain no Christians.

21. Mark here, ye that are Atheists, if the Foundation of the Christian Faith were but a Device of men, by what reason may ye think that it might be possible, that by no power of the world they could

could be overthrowed in these 1604 years? Tell me, could ever any thing in the world; by what wisdom of men soever, thus be established, that it should stand so long as the *Christians* have done, and cannot be weakened as yet, although battered by all Ages? Would they not dye our fight by themselves; like as other things have done, and ye reckon to be more real and reasonable? Nay, have not always all powers, that endeavoured what they could to overthrow them, been overthrown themselves, and have perished? Have they not all been like a Ship, that hits against a Rock to split it, and have they not been split themselves? If not, where are they then? Let them come forth, that we may see them: Because I see the *Christians* are still in being and alive. But they are all gone, and lye in their graves, and are rotten, and shall never see the Light again. But the *Christians* stand in battell still, as ready to fight, yet to kill no body, but rather to dye. Yet they must live, and those must dye that will kill them.

22. What is then the best, to fight against God, and perish; or yeeld unto his power, and be saved?

23. O pittifull undertakings, that are beyond mens strength! If a Child should adventure to carry a Millstone to the top of *Pauls* Steeple, would you not laugh at it? And yet you encounter greater difficulties. Be not angry, but consider if Truth be not spoken here.

24. Moreover, Have ye ever stared the case of the *Jews* against Jesus? When first Jesus came and shewed his Power in Miracles, doing many good works, he was very welcome and beloved amongst the *Jews*, except the *Priests*. All people ran after him, and wondered at him, except the *Priests*. And no man spoke ill of him, but well, except the *Priests*. Because no man found any thing in him, nor in his Life and Conversation that was reproachful, and the *Priests* number. But when Jesus began to reprove the *Priests*, their hatred, envy, maliciousness arose in them, and Persecution began, till finally unto death itself. All people (the sober sort of them) pitied Jesus and wept. But the *Priests* drew the most cruel sort of the *Nation*, and they joyned, and blamed, and stirred up the people, and cryed out against Jesus, until they had brought the whole Realm of the *Jews* into a commotion and confusion. There Jesus must be a *Seditious Man*, a *Seducer*, a *Blasphemer*, a *Devil*, and what not? And all this by the *Priests*. And the more Jesus did reprove them for it, in meek-

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meekness, in patience, in truth; the more they grew bad, shrewd, envious, till at last they resolved to kill him: *Because* (said they) *we people dream after him.* And here the Priests uttered their chief cause. Then assembled together the Arch-Priests, the Lawyers, and the Senators of the Nation, in the Palace, and said: *What do we suffer that man hath many Miracles; If we let him stand alone, all men will believe on him, and the Romans shall come, and take away both our place and Nation.* Therefore, they consulted, how they might take Jesus by subtilty and kill him. Now, to make a new Law on purpose, they needed not, because they had a Law of God himself, which they could find him guilty of, according to the very letter; and this was the Law, *He that blasphemeth the Name of the Lord, he shall surely be put to death, Levit. 24. 26.* And so Jesus being in the eyes of the Arch-Priests, Lawyers and Senators, but a poor silly Carpenter of Nazareth, who did teach publicly, That all that would be saved must believe in him, for he was God's Son, sent to the end he should be their King: Tell me, wise-men, what evidence needed they more to find him guilty? For as to be convinced otherwise by his Miracles, such like had been wrought by many Prophets of old, who never-the-more did amount to that highness, of professing themselves Sons of God. And as concerning his Miracles, they did not reprove him for, but as it is written, *for Blasphemy, and because he being a man, made himself a God, Joh. 10. 33.*

25. So tell me, all Judges and Jury-men, if Jesus should come at this very day before your Bar, must ye not find him guilty, according to the express letter and evidence of the fact? If so, wherefore do ye chide and tax the Jews, who had such a Godly old Law, not made by men, on purpose: a Law, whose letter and reason of the same did so well agree together, that they found themselves strictly, (and not hypocritically, as to please men) bound to take the execution of it, as being by so many sad experiences often-times most sadly, both by Wars, Captivity, and other Plagues, warned and reprov'd for the neglecting of the Law of God?

26. If now, provided the expressedness of the Law of God, and the evidence of the fact, the Arch-Priests, Lawyers and Senators of the Realm of the Jews, and the universal multitude of the then Jewish Church, notwithstanding their far more (by divine Authority expressly *sub pena Capitis*, Deut. 17. 8.) authentical Infallibility, did most funda-

